

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: Siaka Ouattara

Debtor

CHAPTER 13

Deutsche Bank National Trust Company, as Trustee,
in trust for registered Holders of Long Beach Mortgage
Loan Trust 2006-WL2, Asset-Backed Certificates,
Series 2006-WL2

NO. 16-18485 ELF

Movant

vs.

Siaka Ouattara

Debtor

11 U.S.C. Section 362

William C. Miller, Esq.

Trustee

**MOTION OF DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE, IN
TRUST FOR REGISTERED HOLDERS OF LONG BEACH MORTGAGE LOAN TRUST
2006-WL2, ASSET-BACKED CERTIFICATES, SERIES 2006-WL2
FOR RELIEF FROM THE AUTOMATIC STAY
UNDER SECTION 362**

1. Movant is Deutsche Bank National Trust Company, as Trustee, in trust for registered Holders of Long Beach Mortgage Loan Trust 2006-WL2, Asset-Backed Certificates, Series 2006-WL2.

2. Debtor is the owner of the premises 3338 E Street, Philadelphia, PA 19134, hereinafter referred to as the mortgaged premises.

3. Movant is the holder of a mortgage in the original principal amount of \$40,800.00 on the mortgaged premises that was executed on October 26, 2005. Said mortgage was recorded on November 2, 2005 at Document ID Number 51305245 in Philadelphia County. The Mortgage was subsequently assigned to Movant by way of Assignment of Mortgage recorded on December 21, 2011, at Document ID Number 52426266 in Philadelphia County. Attached hereto as Exhibit "A" are redacted copies of the aforesaid mortgage an assignment of mortgage, and any related documents in support of Movant's right to seek to lift the automatic stay and to foreclose on the mortgaged premises if necessary, including the promissory note, and preceding assignments of mortgage.

4. Select Portfolio Servicing, Inc. services the mortgage loan referenced above. In the event that the automatic stay in this case is lifted/set aside, and/or the case is dismissed, and/or Debtor obtains a discharge and a foreclosure action on the mortgaged property is commenced, the foreclosure will be conducted in the name of Deutsche Bank National Trust Company, as Trustee, in trust for registered Holders

of Long Beach Mortgage Loan Trust 2006-WL2, Asset-Backed Certificates, Series 2006-WL2. Said entity has the right to foreclose by virtue of being the owner and holder of the note. The promissory note is either made payable to said entity or has been duly endorsed.

5. William C. Miller, Esq. is the Trustee appointed by the Court.

6. The commencement or continuation of mortgage foreclosure proceedings by reason of non-payment of mortgage payments was stayed by the filing of a Chapter 13 bankruptcy petition by the Debtor.

7. Debtor has failed to make the post-petition monthly mortgage payments in the amount of \$526.63 per month for the months of April 2017 through May 2017, and in the amount of \$526.62 per month for the months of June 2017 through July 2017, less a suspense balance of \$82.37.

8. According to the Amended Chapter 13 Plan filed by the Debtor, which was confirmed by the Court on July 11, 2017, the mortgaged premises is being surrendered. A copy of the confirmed Chapter 13 Plan is attached hereto as Exhibit "B."

9. The total amount necessary to cure the post-petition delinquency on the mortgage loan and to reinstate the loan post-petition is \$2,024.13.

10. Debtor is currently delinquent in plan payments to the Trustee in the amount of \$55.00.

11. Movant is entitled to relief from stay for cause.

12. This motion and the averments contained herein do not constitute a waiver by Movant of its right to seek reimbursement of any amounts not included in this motion, including fees and costs, due under the terms of the mortgage, loan documents and related agreements, and applicable law.

WHEREFORE, Movant prays that an Order be entered modifying the Stay so as to permit Movant to proceed with its mortgage foreclosure on the mortgaged premises, and to allow the Sheriff's Grantee to take any legal action to enforce its right to possession of the mortgaged premises. Further, Movant prays that an Order be entered awarding Movant the costs of this suit, including reasonable attorney's fees in accordance with the mortgage, loan documents and related agreements, and current law together with interest.

Dated: August 18, 2017

/s/ Matteo S. Weiner, Esquire

Matteo S. Weiner, Esquire

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